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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Alain DELACHE et al.**

Group Art Unit: 3772

Application Number: 10/506,979

Examiner: **Nihir B. Patel**

Filed: **September 8, 2004**

Confirmation No.: 6948

For: **APPARATUS TO ASSIST A PATIENT'S BREATHING WITH A
VARIABLE RAMP PERIOD TO RISE TO TREATMENT
PRESSURE**

Attorney Docket Number: 062219

Customer Number: 38834

SUPPLEMENTAL REPLY BRIEF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

August 28, 2007

Sir:

This paper is filed in response to the Examiner's Answer dated June 28, 2007.

The Examiner's Answer is nearly identical to the Examiner's Answer mailed December 26, 2006. In fact, the Response to Argument (item 10) appears to be an exact repetition to that in the prior Examiner's Answer. The present Examiner's Answer does not at all reply to the arguments presented in the reply brief filed February 7, 2007.

For the reasons set forth in the prior Reply Brief and in the Appeal Brief, the honorable Board is respectfully requested to reverse the rejection of the Examiner.

SUPPLEMENTAL REPLY BRIEF

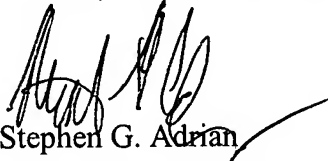
Application No. 10/506,979

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Stephen G. Adrian", is written over the printed name.

Stephen G. Adrian

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